

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The final Office Action dated July 10, 2008, has been received and its contents carefully reviewed. Reexamination and reconsideration are respectfully requested.

Claims 13-15 are currently amended to resolve typographical errors. Claims 16-19 are hereby added.

The Office Action rejects claims 13-15 under 35 U.S.C. § 103(a) as being unpatentable over Martensson in view of Piacente. In the Office Action, the Examiner refutes Applicant's assertion that this combination fails to "disclose a laminate floor board comprising cellulose sheets with a surface texture that varies in accordance with the visual pattern and that the method of producing the surface of Piacente cannot be applied to Martensson." Office Action at p. 2 (paraphrasing Applicant's prior argument). The Office Action continues, stating, "[t]his is not persuasive because the Office never asserted that Piacente or Martensson alone anticipated the claims where Piacente is relied upon for teaching of having a surface texture that varies in accordance with a visual pattern." *Id.* The Examiner acknowledges that Martensson does not disclose or suggest "a surface texture that varies in accordance with the visual pattern". The Examiner cites Piacente as disclosing this feature. Applicant respectfully disagrees. None of the cited references, including Martensson or Piacente, disclose a "laminated floor board" having "a surface texture that varies in accordance with the visual pattern, wherein the visual pattern imitates another product."

The Office Action cites to two separate sections of Piacente - Col. 3, lines 26-28 and Col. 1, lines 53-57. However, neither cited passage actually refers to, teaches or suggests "a surface texture that varies in accordance with a visual pattern, wherein the visual pattern imitates another

product” even if these cited passages are read together, as the Office Action appears to do.

Reading these passages as modifying each other is improper at least because Col. 3, lines 26-28, refers to the “present invention”, while Col. 1, lines 53-57 refers to “common practice.” These teachings cannot be combined, especially since the patent itself disparages the “common practice” in favor of the “present invention.” Regardless, there still is no teaching of a surface texture that varies in accordance with a visual pattern, *e.g.*, the texture of the exterior face that is compatible with an observable design

Moreover, it is not possible to combine Piacente and Martensson to achieve laminate floor boards having the features recited in claims 13-15. Piacente notes that it “require[s] a foamable layer, as in the case of the method aspects or a foamed layer, as in the case of the product aspects. The foamable compositions and layers of the present invention are characterized by an ability to produce, after appropriate foaming steps, a blown or foamed, cellular structure” (Piacente, col. 3, lines 47-52). Piacente goes on to describe the foamable layers contemplated by its invention: “the foamable layer of the present invention preferably comprises a foamable composition containing polyvinyl chloride (PVC) resin, and even more preferably a foamable PVC plastisol composition” (Piacente, col. 3, lines 55-59).

Thus, Piacente is not directed to “laminated floor board comprising cellulose sheets” as recited in claim 13. Furthermore, the structures in Piacente, including foamable compositions and layers and PVC resin are not cellulose sheets. Piacente is not directed to laminate floor boards of the present invention nor is it directed to the laminate floor boards of Martensson. The structures and processes for achieving the surface characteristics of the products in Piacente are not applicable to the laminates of Martensson, nor could the structures of Piacente be applied to Martensson without considerable an undue experimentation, if at all, particularly in the context

of a thermosetting laminate structure of Martensson. Thus, it is not possible to combine Piacente and Martensson to achieve laminate floor boards having the features recited in claims 13-15.

Accordingly, Applicant respectfully submits that claims 13-15 are allowable over the cited references, and that furthermore the application is in condition for allowance.

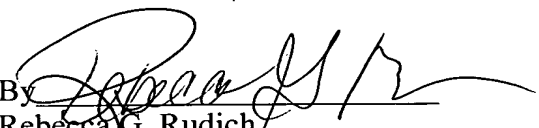
Applicants respectfully submit that claims 13-19 are allowable over the cited references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: January 12, 2009

Respectfully submitted,

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